



## Operational Officer Decision Record

Where the decision has a financial value of between £100k - £350k and does not have a **significant** impact on two or more wards

**1. Subject and details of the matter** (to include reasons for the decision and detail of any previous cabinet decision)

Cabinet on the 9<sup>th</sup> March 2022

That authority be delegated to the Executive Director for People, Health and Care (now the Director of Children's Services) in consultation with the Portfolio Holder for Children and Education to:

1. Approve the continuing rolling programme of identified highest priority condition works within the Schools Capital Maintenance Programme.
2. Approve the programme of new pupil places schemes to ensure that the Local Authority has sufficient and suitable school places to meet its statutory responsibility in accordance with the Education Act and the demand for local places due to new housing developments. This programme includes the need for two new 210-place primary schools, as well as expanding some of the Local Authority's existing sites by the creation of a further 150 pupil places at Cleethorpes Academy, and 245 pupil places across Laceby and New Waltham schools.
3. Approve the programme of works within the High Need Programme.
4. Commence procurement exercises where necessary in connection with the above, and to appoint suitable providers to run two new proposed 210-place primary schools to include award, mobilisation and implementation at the appropriate time.

5. To carry out all ancillary activity reasonably arising from the above.

6. That the Assistant Director Law, Governance and Assets be authorised to execute any documentation arising from the above recommendations.

On 13th March 24 Cabinet approved the three Special Educational Needs and Disability and Alternative Provision (SENDAP) strategies and resolved

That all three strategies be approved and the Director of Children's Services in consultation with the Portfolio Holder for Children and Education be delegated authority to:

a. Oversee the delivery of the plans and activities identified.

b. Carry out all ancillary activity reasonably arising from the above. The SENDAP Sufficiency Strategy included the creation of minimum 75 resource specialist provision additional places in North East Lincolnshire.

The Council will enter into an agreement with the Lincolnshire Gateway Academy Trust to develop:

a) 12 place RSP at Tollbar Academy Gatehouse site for children with serious school absence (under 50% attendance) which could include those with Special Educational Needs and Disabilities who have an education, health and care plan

b. 12-place RSP provision proposed extension and refurbishment to the existing Lighthouse provision for children and young people who require additional part-time support over and above what a mainstream school is expected to offer, aimed at students who are already in receipt of an Education Health and Care Plan (EHCP) with a Primary Need identified as Social, Emotional and Mental Health (SEMH).

## **2. Decision being taken**

That the Director for Children's Services, in consultation with the Portfolio Holder for Children and Education awards the contract for the creation of a Resource Specialist Provision Unit (RSP) at Waltham Tollbar Academy to Kes Building Maintenance Ltd.

## **3. Anticipated outcome(s)/benefits**

This is an identified school project as captured within the Schools Capital High Needs Programme, which will increase the ability of the school to provide for SEND (SEMH) provision.

The RSP in local schools will secure greater value for money from the High Needs Block of the Dedicated Schools Grant (DSG) whilst also seeking to reduce transport costs. Per place, the RSPs will be a lower cost than out of area placements and will

therefore also contribute to future revenue cost avoidance, reducing and managing the DSG deficit. The children currently require supported provision within North East Lincolnshire.

Whilst impacting on the DSG funding initially, the RSP will contribute to supporting sustainability of DSG, as outlined and accepted by the DfE within the Council's DSG Management Plan.

#### **4. Details of any alternative options considered and rejected by the officer when making the decision**

**Do nothing option** would not meet identified provision needs and have a negative impact on future revenue funding. Significant costs will be incurred as well as reputational and potentially legal negative impacts as the RSP project development would cease; children and young people would have to be educated in other communities and young people with attendance issues and education, health and care plans (EHCP's) would be sent out of the borough. This option is therefore not considered viable.

**To not develop the RSP** and use external provision this would not realise the benefits to children being educated in their own community, resulting in significant negative reputational impact. This option will not contribute to achieving the places identified in the SENDAP Sufficiency Strategy or cost savings required as outlined in Delivering Better Value report, both resulting in a financial impact to the Council. This option is therefore not considered viable.

**The Gateway refurbishment project** has been through a full tender exercise including evaluation to ensure value for money. Therefore, no other options to be considered regarding award.

#### **5. Background documents considered** (web link to be included or copies of documents for publishing)

Cabinet report of March 2022. 8.-Schools-Capital-Programme.pdf (nelincs.gov.uk)

SENDAP strategy and SENDAP Sufficiency strategy approved by cabinet March 2024. 9.-SENDAP-Strategies-Cabinet-ReportPDF-2403KBicon-namepaperclip-prefixfa.pdf (nelincs.gov.uk)

Tender evaluation submitted as a closed appendix.

**6. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No

**7. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)**

None

**8. Monitoring Officer Comments (Monitoring Officer or nominee)**

The decision is consistent with the will and expectation of Cabinet and the overall programme. The decision to award in itself is an operational decision and constitutionally allows the named Director and Portfolio Holder sign off.

**9. Section 151 Officer Comments (Deputy S151 Officer or nominee)**

The proposed works will form part of the approved Schools Capital programme. The schemes will provide in borough capacity for SEND places, reducing both external placement and associated transport costs.

**10. Human Resource Comments (Head of People and Culture or nominee)**

There are no direct HR implications arising from the contents of this report.

**11. Risk Assessment (in accordance with the Report Writing Guide)**

Risk is identified as a part of the Council's risk process and included in the respective programme and assessment of risks. These include significant financial revenue risks to the Authority by not extending provision via RSP development

There is a Financial risk to the Council should the RSP project with identified pupil places not be agreed. Currently the DSG pressure is permissible by Government and a plan to reduce this (Deficit Management plan) has been agreed

Risk assessment is identified as a part of the council's risk process under the Schools Capital Maintenance programme. Further risk assessments will be picked up by EQUANS and the contractor for the works.

**12. If the decision links to a previous one taken by Cabinet, has the Cabinet Tracker been updated?**

Yes

**13. Decision Maker(s):**

Name: Ann-Marie Matson

Title: Director of Childrens Services

Signed: REDACTED

Dated: 15.05.25

**14. Consultation carried out with Portfolio Holder(s):**

Name: Cllr Philip Jackson

Title: Leader

Signed: REDACTED

Dated: 15<sup>th</sup> May 2025